

## EXPANDED CHARGE ON KNOWINGLY

*As necessary, add after the definition of knowingly in the CJI2d charge for a specific offense:*

The question naturally arises as to how to determine whether a person had the knowledge, that is, the awareness, required for the commission of a crime.

To make that determination, you must decide if the required knowledge can be inferred beyond a reasonable doubt from the proven facts.

In doing so, you may consider the person's conduct and all of the circumstances surrounding that conduct, including, but not limited to, what, if anything, did that person do or say.

*[Add as appropriate:*

Further, the act of possession of property by a person permits the inference that such person knows what he or she possesses. Thus, if you find beyond a reasonable doubt that the defendant was in possession of (*specify*), then you may, but you are not required to, infer from that fact that he/she knew that he/she possessed (*specify*).]<sup>1</sup>

Therefore, in this case, from the facts you find to have been proven, decide whether or not you can infer beyond a reasonable doubt that the defendant had the knowledge required for the commission of this crime.

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<sup>1</sup> See *People v Reisman*, 29 NY2d 278 (1971); *People v Kirkpatrick*, 32 NY2d 17 (1973), appeal dismissed for want of substantial federal question 414 US 948.